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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|-----------------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA, |) | NO. 5:18-CR-506-BLF-2 |
| |) | |
| Plaintiff, |) | STIPULATION AND [PROPOSED] ORDER |
| |) | CONTINUING HEARING DATE AND |
| v. |) | EXCLUDING TIME FROM MAY 21, 2019 TO |
| |) | AUGUST 6, 2019 |
| KRISTOPHER PURCELL, aka "K-Dawg," |) | |
| |) | |
| Defendant. |) | |
| |) | |

The defendant, KRISTOPHER PURCELL, represented by Kenneth Wine, and the Government, represented by Assistant United States Attorney Katherine Griffin, hereby stipulate and agree as follows:

1. The matter is currently set for a status hearing before this Court on May 21, 2019, at 9:00 AM.

2. Defense counsel is continuing to review provided discovery and conduct appropriate investigation of the charges in this case. Counsel is also in the process of identifying learned counsel. Thus, additional time is needed for learned counsel to be appointed, and begin reviewing discovery and conducting relevant investigation. Anticipated learned counsel has recently completed a two-month trial. Counsel is also unavailable during the latter half of July 2019.

3. Consequently, the parties jointly request a continuance of the status hearing until August

1 6, 2019, at 9:00 AM.

2 4. The parties agree that, in light of the above, it is appropriate to exclude time under the
3 Speedy Trial Act, including for the effective preparation of counsel and continuity of counsel, through
4 and including the newly requested hearing date of August 6, 2019. The parties therefore jointly request
5 that the Court enter the Proposed Order below continuing the hearing date and excluding time.

6
7 **SO STIPULATED.**

8
9 DAVID L. ANDERSON
10 United States Attorney

11 Dated: May 10, 2019

12 _____/s
13 KATHERINE GRIFFIN
14 Assistant United States Attorney

15 Dated: May 10, 2019

16 _____/s
17 KENNETH WINE
18 Counsel for KRISTOPHER PURCELL

[PROPOSED] ORDER

Pursuant to stipulation, IT IS HEREBY ORDERED that the court proceeding currently scheduled on May 21, 2019, is continued to August 6, 2019, at 9:00 AM.

Based upon the representation of counsel and for good cause shown, the Court finds that failing to exclude the time between May 21, 2019, and August 6, 2019, would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). It would also deny the defendant continuity of counsel. *Id.* The Court further finds that the ends of justice are served by excluding the time between May 21, 2019, and August 6, 2019, from computation under the Speedy Trial Act and such exclusion outweighs the best interests of the public and the defendant in a speedy trial.

Therefore, IT IS HEREBY ORDERED that the time from May 21, 2019, through and including August 6, 2019, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

DATED: _____

HON. BETH LABSON FREEMAN
United States District Judge